

1 PENELOPE A. PREOVOLOS (CA SBN 87607)
(PPreovolos@mofo.com)
2 ANDREW D. MUHLBACH (CA SBN 175694)
(AMuhlbach@mofo.com)
3 JOHANNA W. ROBERTS (CA SBN 191472)
(JRoberts@mofo.com)
4 HEATHER A. MOSER (CA SBN 212686)
(HMoser@mofo.com)
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, California 94105-2482
Telephone: 415.268.7000
7 Facsimile: 415.268.7522

8 *Attorneys for Defendant*
APPLE INC. f/k/a
9 APPLE COMPUTER, INC.

10 LEE M. GORDON (BAR NO. 174168)
ELAINE T. BYSZEWSKI (BAR NO. 222304)
11 HAGENS BERMAN SOBOL SHAPIRO LLP
700 South Flower Street, Suite 2940
12 Los Angeles, Ca 90017-4101
Telephone: 213-330-7150
13 Facsimile: 213-330-7152

14 *Co-lead Counsel for Plaintiffs*

15 [Additional Counsel Listed on Signature Page]

E-FILED - 10/3/07

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 IN RE APPLE IPOD NANO PRODUCTS
LIABILITY LITIGATION

CASE NO.: M-06-01754-RMW
MDL NO.: 1754

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**JOINT STIPULATION AND
[] ORDER
CONTINUING CASE
MANAGEMENT CONFERENCE**

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The Honorable Ronald M. Whyte
Courtroom No. 6, 4th Floor
Date: October 5, 2007
Time: 10:30 a.m.
Master Complaint Filed: Sept. 21, 2006

1 Plaintiffs and defendant Apple Inc. ("Apple") (collectively the "parties") hereby submit
2 the following stipulation to continue the Case Management Conference currently scheduled for
3 October 5, 2007 to October 19, 2007 at 10:30 a.m.:

4 WHEREAS, a Case Management Conference is currently scheduled for October 5, 2007;
5 and

6 WHEREAS, there are related proceedings pending in the Superior Court for the State of
7 California, County of Los Angeles, *iPod nano Cases*, JCCP Case No. 4469;

8 WHEREAS, the parties have a scheduled deposition noticed for October 5, 2007 in the
9 *iPod nano Cases*;

10 WHEREAS, lead counsel for the parties plan to attend the deposition;

11 IT IS HEREBY STIPULATED AND AGREED, pursuant to the Northern District Local
12 Rules 6-2(a), 7-12, and 16-2(e), that the Case Management Conference currently scheduled for
13 October 5, 2007, shall be continued to October 19, 2007 at 10:30 a.m.

14 SO STIPULATED.

15 Dated: September 21, 2007

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
HEATHER A. MOSER
MORRISON & FOERSTER LLP

19 By: /s/ Andrew D. Muhlbach
20 Andrew D. Muhlbach

21 *Attorneys for Defendant*
22 *APPLE INC.*

23 Dated: September 21, 2007

24 STEVE W. BERMAN
LEE M. GORDON
ELAINE T. BYSZEWSKI
HAGENS BERMAN SOBOL SHAPIRO LLP

25 By: /s/ Lee M. Gordon
26 Lee M. Gordon
27 *Co-lead Counsel for Plaintiffs*

1 DAVID P. MEYER
2 PATRICK G. WARNER
3 DAVID P. MEYER & ASSOCIATES CO
4 *Co-lead Counsel for Plaintiffs*

5 RICHARD ARSENAULT
6 JOHN RANDALL WHALEY
7 NEBLETT, BEARD ARSENAULT

8 PHILIP BOHRER
9 SCOTT BRADY
10 BOHRER LAW FIRM, LLC

11 L.E. FELDMAN
12 LAWRENCE E. FELDMAN & ASSOC., LLP

13 JOHN P. WOLFF, III
14 CHRISTOPHER K. JONES
15 KEOGH, COX & WILSON, LTD.

16 THOMAS D. MAURIELLO
17 LAW OFFICES OF THOMAS D. MAURIELLO

18 BRYAN L. CLOBES
19 MILLER FAUCHER & CAFFERTY, LLP

20 SETH R. LESSER
21 LOCKS LAW FIRM

22 JEAN-MARC ZIMMERMAN
23 EDUARD KORSINSKY
24 JOSEPH LEVI
25 ZIMMERMAN, LEVI & KORSINSKY LLP

26 *Attorneys for Plaintiffs*

27 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

28 Dated: 10/3/07


29 United States District Court Judge
30 Hon. Ronald M. Whyte

1 I, Andrew D. Muhlbach, am the ECF user whose ID and password are being used to file
2 this Stipulation to Continuance of Case Management Conference. In compliance with General
3 Order 45.X.B, I hereby attest that Lee M. Gordon has concurred in this filing.

4
5 Dated: September 21, 2007

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
JOHANNA W. ROBERTS
HEATHER A. MOSER
MORRISON & FOERSTER LLP

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8
9 By: /s/ Andrew D. Muhlbach
10 Andrew D. Muhlbach

11 *Attorneys for Defendant*
12 APPLE COMPUTER, INC.

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CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**JOINT STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Patrick G. Warner
David P. Meyer & Associates Co., LPA
1320 Dublin Road, Suite 100
Columbus OH 43215

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 21st day of September, 2007.

Carol J. Peplinski
(typed)

/s/ Carol J. Peplinski
(signature)

ATTESTATION OF E-FILED SIGNATURE

I, Andrew D. Muhlbach, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: September 21, 2007.

MORRISON & FOERSTER LLP

/s/ Andrew D. Muhlbach
/s/ Andrew D. Muhlbach